

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

STEVEN SREDL,	)	
Register No. 503463,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 04-4287-CV-C-SOW
	)	
JILL McGUIRE, et al.,	)	
	)	
Defendants.	)	

**ORDER**

On June 16, 2005, the United States Magistrate Judge recommended that defendants' motions for sanctions be granted and plaintiff's claims be dismissed, pursuant to Fed. R. Civ. P. 41(b), for failure to comply with court orders. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on August 3, 2005. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

Despite plaintiff's claim that he participated in the deposition to the best of his ability, a review of the deposition clearly indicates that such argument is untrue. Plaintiff failed to participate in his deposition, despite orders from this court, and his complaint is dismissed, pursuant to Fed. R. Civ. P. 41(b).

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$255.00 appellate filing fee, regardless of the outcome of the appeal. *Henderson v. Norris*, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that defendants' motion for sanctions is granted and plaintiff's claims are dismissed, pursuant to Fed. R. Civ. P. 41(b), for failure to comply with court orders. [44, 54]

/s/Scott O. Wright

SCOTT O. WRIGHT

Senior United States District Judge

Dated: 10-31-05